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4 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 RONALD J. BIANCHI,

7 Plaintiff,

8 v.

9 DEPARTMENT OF CORRECTIONS, et
al,

10 Defendants.

Case No. 3:16-cv-05390-BHS-TLF

ORDER DENYING DEFENDANTS'
MOTION TO SHOW CAUSE

11 This matter comes before the Court on defendants' motion to show cause why this matter
12 should not be stayed pending resolution of certain criminal proceedings concerning plaintiff in
13 Clark County, Washington. Dkt. 32. In addition to the stay, defendants further request that
14 plaintiff, who is not currently in DOC custody, file a status report if he has not been transferred
15 back to DOC custody within 90 days of the filing of their motion. *Id.* at p. 1.

16 On February 22, 2017, the Washington State Court of Appeals granted a state personal
17 restraint petition plaintiff filed, vacating three of his criminal convictions. Dkt. 33, Exhibit 1. The
18 Court of Appeals issued its mandate on August 9, 2017. *Id.*, Exhibit 3. On August 17, 2017, the
19 Clark County Superior Court issued an order transferring plaintiff to the Clark County Jail "for
20 withdrawal of guilty plea and resentencing pursuant to" the mandate. *Id.*, Exhibit 4. On August
21 21, 2017, plaintiff filed a notice of change of address, advising the Court that he was going to be
22 transferred to the Clark County Jail. Dkt. 31.

23 Defendants argue a stay is appropriate here, because it is unknown how long plaintiff will
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1 remain at the Clark County Jail, and it is possible he will never return to DOC custody. Plaintiff
2 opposes defendants' request, arguing a stay is inappropriate, given that defendants' motion for
3 summary judgment has been fully briefed, and the parties are merely waiting for the Court's
4 ruling on the matter. The undersigned agrees that given that there is nothing more for the parties
5 to do pending resolution of the summary judgment motion, there is no need to impose a stay of
6 proceedings, and therefore the Court

7 Accordingly, defendants' motion to show cause, Dkt. 32, is DENIED. The Clerk shall
8 send a copy of this Order to plaintiff and counsel for defendants.

9 Dated this 1st day of December, 2017.

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13 Theresa L. Fricke
14 United States Magistrate Judge
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